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18
19 **IN THE UNITED STATES DISTRICT COURT**
20
21 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

22 UNITED STATES OF AMERICA
23 and

24 THE STATES OF ARKANSAS,
25 CALIFORNIA, COLORADO,
26 CONNECTICUT, DELAWARE,
27 FLORIDA, GEORGIA, HAWAII,
28 ILLINOIS, INDIANA, IOWA,
LOUISIANA, MARYLAND,
MASSACHUSETTS, MICHIGAN,
MINNESOTA, MISSOURI,
MONTANA, NEVADA, NEW
JERSEY, NEW MEXICO, NEW
YORK, NORTH CAROLINA,
OKLAHOMA, RHODE ISLAND,

Case No. CV18-03591

**RESPONSE TO ORDER TO SHOW
CAUSE**

[Local Rule 83-1.3]

1 TENNESSEE, VERMONT, VIRGINIA,
2 WASHINGTON, AND THE DISTRICT
3 OF COLUMBIA

4 ex rel.

5 ALEXANDER VOLKOFF, LLC,

6 Relator,

7 vs.

8 JANSSEN PHARMACEUTICA N.V.,
9 JANSSEN PHARMACEUTICALS,
10 INC., and JANSSEN RESEARCH &
11 DEVELOPMENT, LLC, JOHNSON &
12 JOHNSON, and ORTHO-MCNEIL

13 Defendants.

14 The Relator in this matter, ALEXANDER VOLKOFF, LLC, has been in
15 the process of obtaining permission to dismiss this case for more than one month.
16 While the federal government has communicated its necessary consent to
17 dismissal without prejudice, required under 31 U.S.C. section 3730(b)(1), consent
18 to dismiss is also required from each of the States that are named as parties in the
19 complaint. Relator has been in contact through its counsel with the Attorneys
20 General of those States, and with the representative of the National Association of
21 Medicare Fraud Control Units (NAMFCU) to coordinate obtaining the States'
22 permission to dismiss this matter. Attached as ***Exhibit A*** is a true and correct
23 copy of a letter from the Assistant Attorney General of the District of Columbia
24 confirming authorization to dismiss the case without prejudice (the District of
25 Columbia is not part of NAMFCU). Attached as ***Exhibit B*** is a true and correct
26 chart documenting consent to dismiss from various NAMFCU-participating States
27 prepared by Deputy Attorney General Carlotta Hivoral, who is in charge of
28 NAMFCU coordination in this matter. As of the time of this filing, consent for

1 Delaware and New York has not yet been confirmed through NAMFCU or
2 undersigned counsel, but Relator anticipates obtaining that consent very soon, and
3 will prepare a request for dismissal without prejudice as soon as consent has been
4 obtained from all the party States.

6 | Dated: May 8, 2018 ALEXANDER VOLKOFF, LLC, Relator

By: /s/ John R. Parker, Jr.

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